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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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11 UNITED STATES OF AMERICA,

12 Plaintiff,

Cr. S-97-0461 DFL

13 v.

ORDER

14 THOMAS MARTIN SUKUP,

15 Defendant.  
16 \_\_\_\_\_/

17 On March 9, 2006, the court denied four of defendant's  
18 motions, including a petition for writ of habeas corpus.

19 Defendant sought to appeal this decision on March 27, 2006. On  
20 April 10, 2006, the court construed defendant's notice of appeal  
21 as a request for a certificate of appealability and denied that  
22 request.

23 On April 24, 2006, defendant filed a request for a  
24 certificate of appealability as to the court's March 9, 2006  
25 order. The court has already declined to issue a certificate of  
26 appealability and, according to the court docket, defendant's

1 appeal has already been sent to the Ninth Circuit for whatever  
2 action the Circuit may choose to take. Accordingly, defendant's  
3 additional request for a certificate of appealability is DENIED.

4 IT IS SO ORDERED.

5 Dated: 6/8/2006

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DAVID F. LEVI  
9 United States District Judge

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